

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

NOV 27 2001

OFFICE OF
MANAGING DIRECTOR

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper, P.C.
5101 Wisconsin Avenue, N.W.
Washington, D.C. 20016-4120

96-205

RE: Notice of Apparent Error in
Regulatory Fee Calculation for Fiscal
Year 1999
WPAB AM
Fee Control No. 9909168835258006

Dear Mr. Imlay:

This is in response to your letter providing notice of an apparent error in the regulatory fee calculation for WPAB AM, Ponce, Puerto Rico (WPAB) for Fiscal Year (FY) 1999. On September 15, 1999, the licensee paid the regulatory fee established for WPAB, \$275.00.

You note in your letter that the FY 1999 regulatory fee established for WPAB was based on a city grade population count of 7 persons. You state that this population calculation is an obvious error, as the FY 1998 population calculation for WPAB was 637,345 and nothing occurred to reduce the related population so dramatically. We requested a population recalculation for WPAB and have determined that the correct population figure for WPAB is 631,301. The population calculation for WPAB will be corrected for future years. It is the obligation of the licensee responsible for regulatory fee payments to ensure that the Commission receives payment of the fee established by the Commission no later than the final date on which regulatory fees are due for that year. As noted above, WPAB paid the FY 1999 regulatory fee established by the Commission by the date due and thus WPAB met its regulatory fee obligation for FY 1999.

We appreciate your bringing to our attention the error in the population calculation for WPAB. We referred this matter to the appropriate office and the FY 2001 regulatory fee calculation for WPAB reflects the corrected population figure. If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Andrew S. Fishel
Managing Director

779.110-1000-10000

BOOTH, FRERET, IMLAY & TEPPER, P.C. *Larry Johnson*
FVT

ATTORNEYS AT LAW

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September 9, 1999

Via Hand Delivery

Office of the Managing Director
Federal Communications Commission
445-12th Street, S.W.; Room 1-A625
Washington, D.C. 20554

Attention: Mass Media Regulatory Fees

**Re: Notice of Apparent Error in Regulatory
Fee Calculation, AM Broadcast Station WPAB,
Ponce, Puerto Rico; WPAB, Inc., Licensee.**

Gentlemen/Ladies:

The undersigned represents WPAB, Inc., the licensee of AM Broadcast Station WPAB, Ponce, Puerto Rico. This station has been on the air for many years and has always promptly paid Commission regulatory fees. The station is a Class B AM, operating on 550 kHz, at 5 kW, unlimited time. In the past, the Regulatory Fee has been calculated by the Commission on the basis of a population of 637,345 (which the licensee has viewed in the past as significantly excessive and therefore inaccurate, incidentally). In FY 1998, the fee was \$2,000 based on that population count and Class B status.

However, this year, in the August 2, 1999 Public Notice regarding FY 1999 Mass Media Regulatory Fees, the station is listed as a Class D AM with a city population of seven (7) persons, and the fee (\$275, payment code MDA9) was calculated on that basis.

Obviously, this is an error, since there has been no change in the facilities of WPAB, and no catastrophe has occurred that reduced the city grade population served to only seven persons. While the station plans to pay the fee specified, clearly the Commission should be notified that the fee as calculated by the Commission is in error. Please advise how this licensee should proceed other than by timely paying the specified fee.

Yours very truly,

Christopher D. Imlay
Christopher D. Imlay

cc: Alfonso Gimenez Luccetti

Payment Transactions Detail Report

Date: 11/18/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9909168835258006	WPAB INC PO BOX 7243	WP00011248	0660539796	9/15/1999 00:00:0							
					PONCE	PR	00732				
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$347.00	\$347.00	1	MDA9	1	WPAB	WPAB INC	00732		\$275.00	1	PMT
\$347.00	\$347.00	2	MUB9	6	WPAB	WPAB INC	00732		\$72.00	1	PMT
Total									2		
									\$347.00		

Payment Transactions Detail Report

Date: 10/04/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0109138835355004	WPAB INC PO BOX 7243	WP00011248	0660539796	9/12/2001 00:00:0							
					PONCE	PR	00732				
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,430.00	\$2,430.00	10	0169	1	KC23757	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	4	0169	1	KK7946	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	7	0169	1	KPM574	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	2	0169	1	KQT856	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	5	0169	1	KQT857	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	6	0169	1	KSK902	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	9	0169	1	WLP347	WPAB INC	007327243		\$10.00	1	PMT
\$2,430.00	\$2,430.00	8	0125	1	OQIFORME	WPAB INC	007327243		\$900.00	1	PMT
\$2,430.00	\$2,430.00	1	0126	1	WPAB	WPAB INC	007327243		\$1,450.00	1	PMT
\$2,430.00	\$2,430.00	3	0169	1	WPMH794	WPAB INC	007327243		\$10.00	1	PMT
Total	10								\$2,430.00		

Payment Transactions Detail Report

Date: 10/04/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9909168835258006	WPAB INC PO BOX 7243	WP00011248	0660539796	9/15/1999 00:00:0							
					PONCE	PR	00732				
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$347.00	\$347.00	1	MDA9	1	WPAB	WPAB INC	00732		\$275.00	1	PMT
\$347.00	\$347.00	2	MUB9	6	WPAB	WPAB INC	00732		\$72.00	1	PMT
Total	2								\$347.00		

Payment Transactions Detail Report

Date: 10/04/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0009188835445002	WPAB INC PO BOX 7243	WP00011248	0660539796	9/15/2000 00:00:0							
					PONCE	PR	00732				
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$322.00	\$322.00	2	0069	1	KK7946	WPAB INC	007327243		\$12.00	1	PMT
\$322.00	\$322.00	3	0069	1	KPM574	WPAB INC	007327243		\$12.00	1	PMT
\$322.00	\$322.00	4	0069	1	KQT856	WPAB INC	007327243		\$12.00	1	PMT
\$322.00	\$322.00	5	0069	1	KQT857	WPAB INC	007327243		\$12.00	1	PMT
\$322.00	\$322.00	6	0069	1	KSK902	WPAB INC	007327243		\$12.00	1	PMT
\$322.00	\$322.00	1	0035	1	WPAB	WPAB INC	007327243		\$250.00	1	PMT
\$322.00	\$322.00	7	0069	1	WPMH794	WPAB INC	007327243		\$12.00	1	PMT
Total									7		
									\$322.00		